

# LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY



## Regular Meeting

April 5, 2022, 6:00 pm

Lambertville Wastewater Treatment Facility,  
3 Bridge Street, Lambertville

In Person/ Conference Call Meeting Minutes  
Call In # 978-990-5000 Access Code: 2646329

The meeting was called to order at 6:04 p.m. by Chairwoman MacGregor who read the statement of compliance with the Open Public Meetings Act, by adoption of *Resolution 006-2022* setting forth meeting dates for 2022-2023. Notification was additionally published on Thursday, February 10, 2022, to the Hunterdon County Democrat and also noticed in the Times of Trenton. A copy of the notice and agenda were posted on the web sites of the LMUA [www.lambertvillemua.com](http://www.lambertvillemua.com) and the City of Lambertville [www.lambertvillenj.org](http://www.lambertvillenj.org).

### Pledge of Allegiance.

**Roll Call.** Mrs. Ege called the roll as follows:

LMUA Board:

Present: Janine MacGregor-Chairwoman, Vincent Uhl-Vice Chairman, Paul Rotondi-Treasurer, Russell Lambert-Secretary, Helen Pettit-Member, Jacqueline Middleton-Alternate I, Holly Havens-Alternate II

Also Present: Thomas F. Horn, P.E.-Executive Director, C. Gregory Watts-Watts, Tice & Skowroneck, Kathy Leary-CFO

### Minutes.

The minutes from the March 1, 2022, in person regular & closed session meetings were approved in a motion made by Mr. Rotondi and seconded by Mr. Uhl with a correction made on page 7 and followed by a unanimous roll call vote. MOTION CARRIED

Governing Body Member	Recorded Vote:			Abstain	Not Voting	Not Present
	Aye	Nay				
Janine MacGregor	X					
Vincent Uhl	X					
Paul Rotondi	X					
Russell Lambert	X					
Helen Pettit	X					
Jacqueline Middleton					X	
Holly Havens					X	

### Correspondence.

1. On March 4, 2022, Mr. Horn notified NJ DEP of a sanitary sewer overflow that had occurred the day prior in the vicinity of 349 North Main Street. Staff were immediately sent to investigate and jet the line for blockages. Upon further investigation, it was determined that a section of gravity line between two manholes had collapsed and caused the overflow. A bypass pump was put in place to prevent further overflows. The Authority staff and an outside contractor ended up replacing the entire line and

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completed all the necessary repairs by March 14<sup>th</sup>. Mr. Horn discussed the probable cause being the lack of odor remediation chemical being fed into the sewer system at Stockton's pump station. Mr. Horn advised the Board that he plans to inspect the remainder of the line down through Cherry Street.

**Chairperson's Report-Janine MacGregor.**

Mrs. MacGregor discussed holding hybrid Board meetings. The Board has been utilizing the free conference call service in addition to meeting in person and felt it's sufficient given the small size of our meetings. Mrs. Ege will advise the City of their decision to continue with the same meeting structure.

**Executive Director's Report-Thomas Horn.**

OPERATIONS REPORT FOR APRIL 2022: Mr. Horn reported that the staff have been removing abandoned pipes from past projects and started the biannual tank cleaning.

ODOR CONTROL: No calls for March.

UNION/ PERSONNEL: No issues to report.

REGULATORY: Biofilter and carbon unit continue to be monitored.

**ADMINISTRATIVE ISSUES:**

The replacement biofilter media installation has been delayed until the spring.

The Auditor had finished their on-site work and should have the FY2021 Audit draft for the Board's review and approval by the May 3<sup>rd</sup> meeting.

The Authority received the annual safety award from our insurance for no lost time accidents for 16 years consecutively.

NJ MEL: 2021 Elected Officials online training was emailed to the Board. This training must be completed by May 1st to receive the credit towards our insurance premium.

FINANCIAL DISCLOSURE STATEMENT: The Board reviewed the memo which includes instructions to complete their annual financial disclosure statements by the April 30<sup>th</sup> deadline. Mr. Watts advised them that the DCA will be issuing fines for late submissions.

**Readopt Resolution 015-2022.**

**Resolution 015-2022, Amended April 5, 2022  
Authorizing Professional Service Contracts for Engineer  
& Special Projects Engineer**

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**WHEREAS**, the Lambertville Municipal Utilities Authority (“Authority”) is authorized, pursuant to the Municipal Utilities Law, to retain services of persons who will render professional services to the Authority as it may determine necessary for its operation; and

**WHEREAS**, the Authority has determined that it is necessary and advisable that it retain the services of Professional Engineers to serve as Authority Engineer & Special Projects Engineer; and

**WHEREAS**, N.J.S.A. 40A:11-5 requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

**WHEREAS**, pursuant to the Fair and Open Process proposals were received on January 20, 2022 for Authority Engineer; and

**WHEREAS**, the proposals and documentation have been reviewed and CDM Smith & Suburban Consulting Engineers have been determined to be qualified and their proposals has been determined to be the most advantageous to the Authority based upon price and other pertinent considerations; and

**WHEREAS**, the Authority’s CFO has certified that funds are available for these contracts.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority, as follows:

1. Thomas F. Horn is hereby authorized and directed to execute an agreement with the following:
  - a. CDM Smith to serve as Engineer not to exceed an hourly range of \$105.75-\$267.00 and a yearly amount not to exceed \$9,000 as specified in the contract through February 7, 2023.
  - b. Suburban Consulting Engineers to serve as Special Projects Engineer not to exceed an hourly range of \$125.00-\$158.00 as specified in the contract through February 7, 2023.
  - c. Funding for Special Projects Engineering Services shall be authorized on a project-by-project basis by Resolution of the Board of Commissioners based upon the nature and scope of the project.
2. The contract amount shall be reflected in the Fiscal Year 2023 Budget.
3. The Authority shall publish notice of this action as required by law.
4. The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

<b>Governing Body Member</b>	<b>Recorded Vote:</b>			<b>Abstain</b>	<b>Not Voting</b>	<b>Not Present</b>
	<b>Aye</b>	<b>Nay</b>				
Janine MacGregor	X					
Vincent Uhl				X		
Paul Rotondi	X					
Russell Lambert	X					
Helen Pettit	X					
Jacqueline Middleton					X	
Holly Havens					X	

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**Memo-TS IDA.**

Swan St. Pump Station & Treatment Plant: Mr. Horn advised the Board that FEMA has announced an increase in eligible reimbursements from 75% to 90%. This is significant news for the Authority who can expect to see the additional 15% reimbursement from Ida damages.

N. Union Street P.S.: Mr. Horn received quotes from Suburban Consulting Engineers and CDM Smith for the preparation of the Environmental Planning Document needed as part of the loan application process with the NJI-Bank. Resolution 026-2022 has been prepared based on the lowest, most responsive bidder.

**Accept the Hazard Mitigation Plan for North Union Pump Station**

CDM Smith has completed their draft report for the North Union pump station Hazard Mitigation Plan and a copy was sent to the Board for their review prior to the meeting. Mr. Horn explained that the report justifies the most cost-effective way to address the replacement of the damaged pumping station. The Board discussed and reviewed the report in detail and requested that an executive summary be prepared and included with the plan. The Board decided to accept the report at the May 3<sup>rd</sup> meeting in order to give sufficient time for review and comments and the addition of an executive summary.

***Resolution 026-2022 Awarding a Contract to Suburban Consulting Engineers, Inc. for Professional Engineering Services for Preparation of an Environmental Planning Document.***

**WHEREAS**, the Lambertville Municipal Utilities Authority (“LMUA”) owns and operates a wastewater collection and treatment system; and

**WHEREAS**, the LMUA’s North Union pumping station (NUPS) was severely damaged during Tropical Storm Ida (TS Ida); and

**WHEREAS**, the LMUA has applied to FEMA for funding to replace the NUPS on a reimbursement basis; and

**WHEREAS**, the LMUA intends to apply for a short-term loan from the New Jersey Infrastructure Bank (NJIB) as might be necessary for reconstruction of the NUPS; and

**WHEREAS**, the NJIB has a program to provide short-term loans for organizations such as the LMUA to cover the costs associated with preparation of required documentation for funding applications; and

**WHEREAS**, the LMUA must prepare an Environmental Planning Document to comply with the requirements of the NJIB; and

**WHEREAS**, the LMUA’s CFO has certified that interim Capital funds are available for Engineering Services for preparation of an Environmental Planning Document for the reconstruction of the NUPS.

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**WHEREAS**, the LMUA solicited proposals for the preparation of an Environmental Planning Document in accordance with the requirements of the NJIB; and

**WHEREAS**, proposals were received on March 29, 2022, from CDM Smith and Suburban Consulting Engineers, Inc.; and

**WHEREAS**, the proposal submitted by Suburban Consulting Engineers, Inc. is the lowest of the proposals received; and

**WHEREAS**, the Executive Director, has reviewed the proposals and recommends that the LMUA award a contract to Suburban Consulting Engineers, Inc. for the work included in the proposal

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of April 5, 2022, as follows:

1. Suburban Consulting Engineers, Inc. is hereby awarded the contract for professional engineering services for the preparation of an Environmental Planning Document in accordance with the requirements of the NJIB as per their proposal dated March 29, 2022, for a lump sum amount of \$7,500 plus an allowance of \$1,000 to address any NJDEP comments.
2. Thomas F. Horn, P.E., Executive Director is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to implement this resolution.
3. The Resolution shall be effective immediately upon adoption.

**Moved: Mr. Rotondi**

**Seconded: Ms. Pettit**

<b>Governing Body Member</b>	<b><u>Recorded Vote:</u></b>		<b>Abstain</b>	<b>Not Voting</b>	<b>Not Present</b>
	<b>Aye</b>	<b>Nay</b>			
Janine MacGregor	X				
Vincent Uhl			X		
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				X	
Holly Havens				X	

**117 N. Main Street Reimbursement Request.**

**Resolution 027-2022 117 N. Main Street Reimbursement for Sewage Back-Up (No action was taken on Resolution 027-2022)**

Mr. Horn reported that the Authority could not find an issue upon their investigation but proceeded to jet the line as a precaution. 117 N. Main Street was the only resident affected by backups which have been occurring over the weekend. Mr. Horn confirmed that this area is on his list to be televised. The homeowner is requesting

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reimbursement for their plumbing costs associated with the backup. Mr. Watts advised that under the Tort Claims Act, if the Authority was unaware of an issue in this particular area, then they are not liable for the costs. Mr. Horn confirmed that the Authority was responsive and did investigate but could not find a cause within the sewer main. He also confirmed that there were no predisposed conditions that the Authority is aware of. At this time, the Board directed Mr. Horn to draft a letter advising the resident that the Authority is not responsible for any unforeseen issues and cannot authorize reimbursement of their plumbing costs. Should other facts come to light, the Board may then reconsider.

**Covid-19 Ratepayer Relief Measures.**

**Resolution 028-2022**

**Resolution Approving Covid-19 Ratepayer Relief Measures**

**WHEREAS**, on October 15, 2020, New Jersey Governor Philip Murphy issued Executive Order No. 190, banning the imposition of interests, charges, or late fees on residential users' municipal water accounts that are delinquent during the COVID-19 pandemic and emergency; and

**WHEREAS**, the New Jersey Department of Community Affairs (NJ DCA) issued guidance to municipal utility collectors on November 6, 2020, indicating that municipal sanitary sewer or wastewater utility accounts were not subject to the ban on interest charges and late fees issued in Governor Murphy's Executive Order No. 190; and

**WHEREAS**, the New Jersey Senate enacted Bill 4081 which became effective on December 21, 2021 prohibiting local governments from charging residential customers interest, fees, or charges for late payment of sewer charges accruing between March 9, 2020 and March 15, 2022 until after March 15, 2022 at which time interest and penalties may begin to accrue; and

**WHEREAS**, the New Jersey Senate Bill 4081 also requires residential customers to be offered an installment plan for any delinquent sewer charges accruing between March 9, 2020 and March 15, 2022; and

**WHEREAS**, the NJ DCA issued guidance to municipal sewer utility collectors on March 7, 2022, clarifying that the prohibition on residential interest, fees, and late charges does not apply to sewer liens that were sold before January 1, 2022. Late interest, fees or charges may be enforced against arrearages accruing before March 9, 2020 and after March 15, 2022. Further, sewer liens that were sold before January 1, 2022 cannot be included in an installment plan; and

**WHEREAS**, the Lambertville Municipal Utilities Authority (LMUA) owns and operates its own municipal sanitary sewer utility; and

**WHEREAS**, the LMUA shall take the necessary steps to follow the NJ Senate Bill 4081 and the guidance from NJ DCA.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with New Jersey Senate Bill 4081 and NJ DCA P.L. 2021, c. 317 the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby approves the following:

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1. Waiver of all residential sewer interest, fees and late charges that currently owe delinquent sewer charges billed between March 9, 2020 and March 15, 2022.
2. A 12-month payment plan shall be offered to each individual resident that currently owe delinquent sewer billed between March 9, 2020 and March 15, 2022.
3. Notice shall be given to all residents by the City of Lambertville email List Serve and posted on the bills, delinquency notices, and the website of the LMUA.
4. The Executive Director may execute any and all documents in connection with this resolution.
5. This resolution shall be effective immediately upon adoption.

**Moved: Mrs. MacGregor**

**Seconded: Mr. Rotondi**

<b>Governing Body Member</b>	<b>Recorded Vote:</b>		<b>Abstain</b>	<b>Not Voting</b>	<b>Not Present</b>
	<b>Aye</b>	<b>Nay</b>			
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				X	
Holly Havens				X	

**FY 2023 Budget.**

The Board reviewed the Proposed 2023 Budget packet including Mr. Horn’s memo, Draft Budget 2023 spreadsheet, Annual Cash Receipts Summary, Projected Capital Costs & Schedule and Updated Model to Reflect New Debt Service from 2021 Loans and Scenario 5: Includes NJIB Borrowing with a 4% increase in sewer fees. Mr. Horn summarized that the budget shows an overall increase of \$118,455 or 5.8%. Over 60% of the increase is due to the new debt service. The FY 2022 budget was \$2,029,715 versus the proposed FY 2023 budget of \$2,148,170. Mr. Horn explained that the bottom line is the Authority is going to need a 4% increase in user fees for the coming fiscal year.

The Board discussed the lost revenues from Tropical Storm Ida victims and the Covid-19 relief measures coupled with the increases in debt service, general and operating expenses. In addition to those increases, the City has requested we increase our contribution to their budget from \$72,000 to \$76,320. Mr. Horn has budgeted projects based on the Asset Management Plan for our planned capital projects. He intends to continue with televised inspections, jetting, and rehabilitation of our sewer lines as discovered. The N. Union pump station replacement costs will be mostly reimbursed by FEMA. The fire alarm system is over 20 years old and in need of major repairs.

After a discussion, the Board decided to introduce the FY2023 Budget but hold off on sending it to the State until Mr. Uhl and Mr. Rotondi can meet and review the budget items in more detail.

The Board decided to hold discussions on the user and connection fees until the May 3<sup>rd</sup> meeting.

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**FY 2023 Budget Resolution 029-2022**

**FISCAL YEAR: FROM: July 1, 2022 TO: June 30, 2023**

WHEREAS, the Annual Budget and Capital Budget for the Lambertville Municipal Utilities Authority for the fiscal year beginning, July 1, 2022 and ending, June 30, 2023 has been presented before the governing body of the Lambertville Municipal Utilities Authority at its open public meeting of April 5, 2022; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$2,101,422, Total Appropriations, including any Accumulated Deficit if any, of \$2,148,170 and Total Unrestricted Net Position utilized of \$76,230; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$2,210,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$110,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Lambertville Municipal Utilities Authority, at an open public meeting held on April 5, 2022, that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Lambertville Municipal Utilities Authority for the fiscal year beginning, July 1, 2022 and ending, June 30, 2023 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Lambertville Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on June 7, 2022.

**Motion: Mrs. MacGregor**

**Second: Mr. Rotondi**

<b>Governing Body Member</b>	<b><u>Recorded Vote:</u></b>		<b>Abstain</b>	<b>Not Voting</b>	<b>Not Present</b>
	<b>Aye</b>	<b>Nay</b>			
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				X	
Holly Havens				X	



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**Chief Financial Officer’s Report.**

Mr. Rotondi made a motion to approve the bill list for March except for the Hazard Mitigation Plan bill. Mr. Uhl seconded the motion. An affirmative roll call was taken in favor of the motion by all members present.

MOTION CARRIED

Governing Body Member	Recorded Vote:		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				X	
Holly Havens				X	

**Attorney’s Report.**

Mr. Watts had nothing to report.

**Public Comment.**

At this time Mrs. Ege confirmed that there were no other members of the public in attendance.

**Adjournment.**

The meeting adjourned at 7:39 p.m. with a motion made by Mrs. MacGregor seconded by Mr. Rotondi and followed by a unanimous voice vote taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

*Melissa S. Ege*

Melissa S. Ege, Administrative Assistant

*Approved at the regularly scheduled Lambertville MUA Board meeting held on May 3, 2022.*